CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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VERBATIM RECORD OF THE FOUR HUNDRED AND SEVENTY-THIRD MEETING

held at the Palais des Nations, Geneva,
on Thursday, 25 June 1970, at 10.30 a.m.

Chairman: Mr. K. ZYBYLSKI (Poland)

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	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALEIRA LAMPREIA
Bulgaria:	Mr. T. PETROV
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Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Poland): I declare open the 473rd plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. IGNATIEFF (Canada): May I take this opportunity to associate myself with the welcome already extended to those heads of delegations who have joined us for the first time at this session, and to welcome back old friends? I wish also to welcome back the representative of the Secretary-General, Mr. Epstein, and members of the United Nations Secretariat, who continue to provide for us such efficient services.

3. Proceeding from the discussions which took place during the first part of this session and the working papers which were then presented, and profiting from the review of arms-control issues during the recess, we are now required, I believe, to consider more specifically what can be achieved during the remainder of this year. In this first Canadian intervention I should like to review how my delegation regards that task.

4. With respect to the revised joint draft treaty on the sea-bed submitted by the co-Chairmen on 23 April (CCD/269/Rev.2), the Canadian delegation is hopeful that early substantial progress can be achieved and that the treaty can be completed at this session. This draft could then be presented to the twenty-fifth session of the United Nations General Assembly in the expectation that the result of our negotiations during the major part of two sessions will lead to the conclusion of a sea-bed treaty by the end of 1970. That, I think, should be our immediate objective.

5. As I indicated in my statement in late April (CCD/468), our delegation believes that we may have just about reached the point at which maximum consensus has been achieved on the substance of the draft text, with the exception of the point I raised at that time regarding article III. This relates to the question of assurances about recourse to international procedures in helping States which have cause for concern regarding non-compliance with the treaty. I do not propose at this stage to elaborate further upon that statement, which remains the Canadian position, other than to emphasize, in view of certain comments which have been made, that the Canadian proposals for verification put forward in document A/C.1/992 do not envisage the establishment of some new, elaborate and expensive international machinery; they

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merely seek to reiterate, within the context of the sea-bed treaty which we are considering, the right already available on a multilateral basis under the Charter to all Members of the United Nations to have recourse when necessary to the good offices of the United Nations, without prejudice of course to any good offices which may be available on a bilateral basis.

6. Turning now to the question of chemical and biological warfare, we welcome the progress made during the last session in clarifying some of the underlying issues. The Canadian Government policy regarding chemical and biological weapons presented in my statement of 24 March (CCD/PV.460, paras. 23-38) was not of course a substitute for or a detraction from the multilateral action which is needed to strengthen and to supplement the Geneva Protocol (A/7575/Rev.1, annex VI).

7. Indeed, what my delegation has been seeking is to reinforce the Geneva Protocol of 1925 by moving from the prohibition of first use of chemical and biological weapons which results from the reservations to that Protocol to an effective ban on the development, production and stockpiling of such weapons. The Canadian Government policy statement was made as a contribution to the clarification and amplification of national positions on this important matter, with the hope of promoting a consensus which might prepare the way for the negotiation of a treaty or treaties to prohibit the development, production and stockpiling of chemical and biological weapons.

8. This Committee is under an obligation laid down by the twenty-fourth session of the United Nations General Assembly -- in this instance resolution 2603 B (CCD/275) -- to continue negotiations on chemical and biological warfare and to provide a report on all aspects of the problem to the next session of the General Assembly. During our spring session several important statements were made on this item and some interesting working papers were considered. In our view, these revealed with increasing clarity that the crux of the problem is the negotiation of agreed and adequate verification procedures to ensure compliance with any treaty or treaties. We suggest that the Committee, while continuing the exchange of views on all aspects of the abolition of chemical and biological weapons, should devote its primary attention during the next few weeks to possible approaches to and solutions of the problem of verification.

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9. In this respect we would support the suggestion put forward by my Japanese colleague (CCD/PV.456, para. 82) that a series of informal consultations with experts in attendance as required might provide optimum opportunity for progress. For our part we are prepared to participate actively in any such meetings, and we would hope to be able in due course to contribute some suggestions as to how we believe the examination of this verification problem might be advanced.

10. Completion of the work on the sea-bed treaty and progress on the question of chemical and biological warfare at this session, important as they undoubtedly are if viewed against the risks and costs of the continuing nuclear arms race, cannot be regarded as adequate responses by themselves. That is so, in our view, as gauged against current public apprehensions, or against the various resolutions adopted by the United Nations General Assembly at its last session.

11. Resolution 2602 E (XXIV) gave the responsibility to this Conference to develop --

> "... a comprehensive programme ... which would provide the Conference with a guideline to chart the course of its further work and its negotiations", "bearing in mind that the ultimate goal is general and complete disarmament;" (CCD/275)

The Canadian delegation views this resolution as primarily intended as an incentive to achieve progress in a systematic way on arms control and disarmament during this decade. We hope that the Conference of the Committee on Disarmament will not become involved in attempting to draft an elaborate and exhaustive programme for the Disarmament Decade, but will agree on a flexible formula of objectives to be presented to the twenty-fifth session of the United Nations General Assembly with the Committee's endorsement. We therefore believe that we should strive towards a consensus on what might constitute a comprehensive programme of work for the Conference of the Committee on Disarmament.

12. We agree with those who say that these objectives should, as far as possible, be spelt out in relation to specific measures, be acceptable to governments as practical proposals, and be related to current international tensions. Is it not logical, though, to expect that the principal military Powers represented on this

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Committee should set the lead in making such suggestions, as it is their armaments above all which set the pace for the arms race as well as affecting the international climate?

13. We also agree with those who say that the time has passed for metaphysical discussions of ideal programmes, or merely the revision of matters dating back to the beginning of the previous decade. Only through the pursuit of concrete measures will this Committee attain the ultimate objective of general and complete disarmament. On the other hand, I realize that we wish to avoid an approach so empirical and pragmatic that the General Assembly of the United Nations will not be able to discern any cohesiveness, co-ordination or direction in our targets and objectives.

14. In this task we are not without foundations on which to build. The most noteworthy achievement of this Committee to date, the non-proliferation Treaty (ENDC/226*), has now come into force, and when it becomes fully effective it will, we hope, ensure that no additional countries join the "nuclear club"; and as progress towards general and complete disarmament depends primarily on effective measures to bring under control the proliferation of nuclear weapons, both vertical and horizontal, measures such as the comprehensive test ban -- an item to which I will return later -- and a cut-off in the production of fissile materials for weapon purposes must in our view be an essential part of any programme we might draw up.

15. Nor can we ignore criticism which, perhaps justifiably, questions the ultimate value of agreements which limit nuclear weapons and to which major nuclear Powers are not a party. Like the representative of Japan in his intervention on 18 June (CCD/PV.471, para. 34), I agree with the Secretary-General of the United Nations, who in his statement of 22 May to the Institute of Man and Science pointed to the desirability of "finding ways and means of associating all nuclear Powers, including France and the People's Republic of China", with arms control and disarmament negotiations.

16. But there is no doubt, surely, that the priority objective set for us both at the United Nations General Assembly and by our own Conference is to halt the

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nuclear arms race. The means of bringing the nuclear arms race under restraint rest of course on political as well as technological factors. In so far as the political factors are concerned, in seeking solutions we undoubtedly have to look to a large extent to the strategic arms limitation talks (SALT) and other bilateral contacts between the nuclear Powers. But it is for this Conference, besides playing its political role, to examine all the technological factors involved in facilitating agreements which might lead to a halt of the nuclear arms race.

17. It is against that background that I should now like to turn to an important subject on our agenda which has not been discussed in any depth recently but which the twenty-fourth session of the United Nations General Assembly considered to be a matter of urgency and about which it also requested the Conference of the Committee on Disarmament to submit a special report to the twenty-fifth session of the General Assembly. I refer, of course, to the comprehensive test ban.

18. In view of the need for a special report, under the terms of resolution 2604 B (XXIV) (CCD/275) of the General Assembly, to the forthcoming session of the General Assembly next September, I should like to recall briefly some of the history and the political events which give this issue its special significance and importance.

19. Parties to the partial test-ban Treaty of 1963 (ENDC/100/Rev.1) are under obligation by the preamble to the Treaty to seek "the discontinuance of all test explosions of nuclear weapons for all time".

20. Parties to the non-proliferation Treaty have a more general commitment to "pursue negotiations ... on effective measures relating to the cessation of the nuclear arms race at an early date", an obligation which applies particularly to the major nuclear Powers. The draft sea-bed treaty we are now considering also envisages a commitment to continue negotiations leading to the cessation of the arms race and to disarmament, general and complete. The conclusion of a comprehensive test-ban treaty by the Committee on Disarmament would therefore be a notable achievement, both to mark the Disarmament Decade and to reassure all nations that the commitments to which I have referred are considered as binding.

21. In the meantime nuclear testing, either for peaceful or for weapons purposes, is being continued by all the nuclear Powers; although we realize that these

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which are signatories of the partial test-ban Treaty have limited their tests to underground explosions. Why, then, the delay in completing the partial test-ban Treaty? Virtually all delegations here have recognized that the major political impediment to progress is related directly to the security considerations of the nuclear-weapon States. Clearly, until the nuclear Powers concerned are prepared to agree that the risk involved in any particular approach to a nuclear test ban is less than the risk inherent in the continued escalation of the nuclear arms race, progress can be of only a limited and preparatory nature.

22. We realize, of course, that the talks on the limitation and eventual reduction of strategic nuclear weapons have an important bearing on a comprehensive test ban. Success in the strategic arms limitation talks, we would hope, could go a considerable distance towards removing the basic impediment, to which I have referred, to a comprehensive ban on further testing.

23. Pending progress in the political and security environment in relation to which the goal of a comprehensive test ban has to be considered, however, the Canadian delegation remains convinced that some progress in finding solutions to some of the major outstanding technical problems should be pursued. Those technical problems relate, of course, to the question of effective verification, on which the positions of the major nuclear Powers involved and of many other members of the Committee on Disarmament have differed, and still differ, substantially. All delegations here would, I think, agree that the seismic component of any verification system will be large, albeit not necessarily the only component. The Canadian delegation, among others, has argued that the task of detection and identification of underground tests could be facilitated if assured access to adequate original seismological data were to be provided.

24. That brings us to General Assembly resolutions 2604 A (XXIV) and 2604 B (XXIV). The latter requests us, inter alia, "to submit a special report to the Assembly" on the results of our deliberations on a comprehensive test ban and on proposals relating to it. While we do not know what will be the exact form or content of that special report, we are firmly of the opinion, which we hope is widely shared by others here today, that the report should show that this Committee had at least taken into account the responses to the Secretary-General's questionnaire on the international exchange of seismic data referred to in

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resolution 2604 A (XXIV). In that context we would also recall that a specific purpose of resolution 2604 A (XXIV) is, as stated in its operative paragraph 3, precisely to assist the Committee on Disarmament in its further consideration of the achievement of a comprehensive test ban.

25. In view of those decisions of the General Assembly I am sure that we shall all do our utmost to ensure that our discussions on the comprehensive test-ban question in this Committee this summer are as fruitful as possible. As regards the enquiry concerning the international availability of seismic data, I hope my colleagues may find it helpful if this morning I give the Committee a brief report on the progress made to date in response to General Assembly resolution 2604 A (XXIV), and on the basis of that report make one or two tentative suggestions for possible future action by this Committee.

26. As members of the Committee are aware, resolution 2604 A (XXIV) received widespread support at the twenty-fourth session of the General Assembly both in terms of votes in favour and in terms of co-sponsorship. At the same time it has to be recognized, as my Japanese colleague pointed out the other day (CCD/PV.471, para. 27), that support in the General Assembly was not as universal as we would have wished, and that some responses to the Secretary-General's enquiry were cast in somewhat negative terms. None the less, of the fifty-four responses so far received and circulated, thirty-four, from five continents, have been positive and substantive. I have been informed in fact by the Canadian technical authorities that those responses to the resolution and questionnaire form a sufficiently broad-based sample to permit some useful initial examination to be made, with what we hope may be productive results.

27. I wish to make it quite clear to my colleagues that the difficulties and delays which have been encountered have not in any way altered our view that the Committee on Disarmament itself should at this session pursue a preliminary examination of the substantial number of responses available for study so that a reference to them may be included in this Committee's report to the United Nations in response to operative paragraph 3 of General Assembly resolution 2604 B (XXIV). Technologically-improved international co-operation in the seismic field may prove highly desirable in providing the basis for a limited but substantial step forward in bridging the technical gaps in the adequate verification of a comprehensive test ban.

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28. As we now consider what might be done to follow up the Secretary-General's questionnaire, I should like to stress that we in the Canadian delegation have no preconceived views or ideas on what conclusions may be drawn from the responses made so far by governments. At this stage we wish only to open what we hope may prove to be a useful dialogue in this Committee. Certainly we believe it is premature to take a position on the question of the establishment of any international body, with all the financial implications that might flow from such an action. For instance, we do not think it is by any means clear that an eventual seismic exchange system would involve a system of automatic and continuous circulation of data, as distinct from ad hoc arrangements, acceptable to governments.

29. We are justified in wondering, however, just how the adequacy of national verification procedures can be assessed by governments unless an undertaking is forthcoming concerning the willingness of governments, on a reciprocal and purely voluntary basis, to make seismic data available, and also without a further study of the seismological facilities which may be available in the world. We will, of course, consult other members of the Conference of the Committee on Disarmament -- particularly those countries that have capabilities in this field and have responded favourably -- about the best approach to a follow-up of the seismic information exchange questionnaire.

30. For our part, the chief Canadian Government seismologist, Dr. Kenneth Whitham, has undertaken to provide an initial examination of the available responses; and he hopes to put this into the form of a working paper for circulation to all delegations here around the beginning of August. Then, if the Committee were agreeable, that paper might be the starting-point for an informal meeting on 12 August at which Dr. Whitham would be present as well as, we hope, experts from other delegations. Also, if the idea of an informal meeting some time in mid-August meets with general approval, we think that besides Dr. Whitham's paper -- and together, of course, with any working papers that other delegations may wish to contribute -- it might be profitable to discuss certain specific and related questions. In this connexion I have taken the liberty of following the example of Mrs. Myrdal, representative of Sweden -- who I hope will shortly join us -- when, in the course of the informal meeting on chemical and biological weapons, she put forward a series of questions to facilitate discussion at such informal meetings.

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31. Some tentative suggestions which arise in my mind as to the kind of questions which might usefully be examined in preparation for an informal meeting on international seismic co-operation include the following:

32. First, to what extent do the replies to the questionnaire supplement or modify existing scientific information concerning facilities for detecting and identifying underground nuclear-weapon tests?

33. Second, is it possible to estimate from the information provided about national seismic facilities the extent to which the identification capabilities for underground nuclear explosions may be improved through guaranteed international access to additional seismological data?

34. Third, have the results of the questionnaire identified any sectors of the globe or geographic areas for which the levels of nuclear explosion identification are perceptibly higher or lower than average? Would these areas be of vital significance in the enforcement of any comprehensive test ban?

35. Fourth, could the response of governments to the Secretary-General's questionnaire help such governments to identify methods for improving the effectiveness of their own seismic detection techniques, or would any further information be required for this purpose?

36. Fifth, is further examination warranted into the concept of international exchange of seismic data, as well as into the quantity and quality of data that may be made available from national means of identification?

37. Sixth, do the results of this survey warrant further consultation in the near future among nations ready to contribute to an examination of facilities for identification of nuclear explosions by seismological means, and to an examination of the most effective attainable measures to supplement the partial test ban of 1963?

38. Seventh, is it possible yet to establish the degree to which national verification procedures may be adequate, with or without an international exchange of seismic data, and the degree to which a prohibition of underground nuclear tests could be effective on either basis?

39. In view of the comparatively short time which I understand is to be available to us for our discussions at this summer session, I thought it would be useful to go into some detail, even at this stage, so that all delegations might have an equal opportunity to study these suggestions when considering how this Committee should respond in its report this year to the resolutions of the last session of the General Assembly of the United Nations, more particularly to resolution 2604 B.

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40. In conclusion, as we are all only too well aware, this Committee has to be prepared to meet its critics at the next session of the General Assembly, which coincides with the twenty-fifth anniversary of the United Nations. If we are to rise to that occasion, we must at least be seen to be tackling the problem of human survival in the nuclear age with the wisdom, patience, perseverance and objectivity which is expected of us.

41. Mr. EDELSTAM (Sweden): My intervention today will be devoted to the draft sea-bed treaty (CCD/269/Rev.2). At the outset, I wish to join those colleagues who have expressed their satisfaction at the fact that the co-Chairmen were able to present jointly to the Committee on 23 April a revised draft of the treaty on — to use the full title — the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof.

42. We have duly observed the important changes which have been made in the text as compared with that presented by the two delegations on 30 October of last year (CCD/269/Rev.1). We find it particularly important to note the incorporation, almost word for word, of the changes and amendments to articles I and II put forward by the Argentine delegation during the deliberations last autumn in the First Committee of the United Nations General Assembly (A/C.1/997), as well as of substantial parts of the text suggested by Canada as regards article III (CCD/270). The Swedish delegation has all along strongly supported the efforts of the Canadian delegation to work out language for the verification provisions which could enhance the possibilities of making the treaty more generally acceptable.

43. Before going any further in my analysis of the new text, I should like to dwell for a moment on the general framework in which this draft treaty should, in our opinion, be judged. It would seem to us that there are two basic considerations: first, that of disarmament, and secondly that of ensuring the sea-bed as the common heritage of mankind. The latter aspect is admittedly being dealt with in another forum; but we cannot and should not isolate our considerations from the debate which has been taking place on this subject in the special sea-bed Committee of the United Nations.

44. Dealing first with the disarmament aspect, we register with satisfaction that the successful completion of this treaty will lead to the creation of an immense area

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of the world where nuclear arms and other weapons of mass destruction will be prohibited. We have to keep in mind, however, that the prohibition refers only to the bed of the sea and the floor of the oceans and not to the militarily much more important areas of waters above the bottom of the sea. The effect of this treaty will therefore, from the arms-control point of view, be a limited one.

45. Furthermore, the agreement in effect leads only to denuclearization of the sea-bed, not to the demilitarization which has all along been the goal of the vast majority of States. That is the main reason why many delegations have come to attach such importance to the insertion in the present treaty of a pledge obliging the parties to continue negotiations towards reaching further prohibitions on the sea-bed. There is admittedly a reference in the preamble to continued negotiations leading to the exclusion of the sea-bed and the ocean floor from the arms race. There is, further, the provision in article VI that a conference will be held five years after the entry into force of the treaty to review its operation "with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized."

46. As is well known, the Swedish delegation suggested last autumn, both in this Committee and in the United Nations, a somewhat more far-reaching formula by way of a new article in which the parties would pledge themselves --

> "... to continue negotiations in good faith on further measures relating to a more comprehensive prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof." (CCD/271).

The wording was based largely on the similar provision regarding further negotiations to curb the nuclear arms race which was inserted in the text of the non-proliferation Treaty (ENDC/226*) during the negotiations on that subject on the insistence of the non-nuclear-weapon States.

47. We regret that for the second time the Soviet Union and the United States delegations, when reviewing their draft treaty text, have not seen fit to accept that formula. We urge them once again to study this matter further. I think that such a more far-reaching pledge regarding further negotiations would considerably increase the value of the treaty in the opinion of many States. One of the reasons for this is of course the fate which a similar preambular pledge in an earlier arms-control measure has had. I am referring to the paragraph in the preamble to the partial

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test-ban Treaty in which the parties expressed their determination "to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end ..." (ENDC/100/Rev.1)

48. The Polish delegation -- your delegation, Mr. Chairman -- in its intervention on 18 June made the suggestion that this Committee should --

> "... keep on its agenda the question of the demilitarization of the sea-bed and the ocean floor as formulated in the 1968 report to the General Assembly, when a programme of work (ENDC/236, p. 3) for this Committee was established after the signing of the non-proliferation Treaty. In that way members of the Committee may raise the question of further steps leading to the demilitarization of this important area whenever they see that a question is ripe for discussion, without waiting for the review conference as provided for in article VI of the draft before us. In this particular case we believe that what are generally called 'conventional' armaments can be dealt with in a separate document." (CCD/PV.471, para. 9)

I have quoted from your statement, Mr. Chairman, at some length because I want to express the support of my delegation for your suggestions. They should be regarded, however, not as a substitute for a further strengthening of the pledges in the treaty text regarding further negotiations, but as additions.

49. Turning now to the other main principle, that of securing the sea-bed as the common heritage of mankind: we know, as I have said earlier, that this is an issue being dealt with elsewhere. Efforts are being made to reach agreement on the establishment of an international regime for the sea-bed, leading eventually to some form of international administrative machinery to ensure that the further exploration and exploitation of the natural resources of the sea-bed and the ocean floor will be carried out in a way which furthers the interests of all States and rests on the principle I have just mentioned.

50. From the outset of the negotiations in our Committee on the subject of the sea-bed treaty a link has been suggested between such possible future international machinery and the verification provisions of the treaty. Already in the spring of last year the non-aligned members of what was then the Eighteen-Nation Committee on Disarmament proposed that, when it became feasible, verification could be carried out not only by the individual parties but also through an appropriate international agency or arrangement. In the suggestions as to verification provisions which were put forward last year by the Canadian delegation and which were supported by a

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vast number of other delegations, the possibility was mentioned of verification being carried out with the full or partial assistance of any State party, this assistance being sought either directly or indirectly "through appropriate international procedures including the good offices of the Secretary-General of the United Nations." (A/C.1/992) As my delegation interpreted that provision it was a way of saying, although admittedly very indirectly, that if and when international machinery for the sea-bed was set up it might be possible for States desirous of so doing to make use of that machinery for their verification needs in relation to the treaty we are now discussing.

51. In the draft text before us, which in other respects closely reflects the content of the Canadian proposals, these references to international good offices, including those of the Secretary-General, have been omitted. In view of the importance attached to the above-mentioned principle that the sea-bed represents a common heritage of mankind, and the link between that principle and the notion of an international regime for the sea-bed, we must regard the failure to make any mention at all in the new text of the possibility of international control as a serious weakness. I think there is ground for saying that many other States which have taken an active part in the discussions on preserving the sea-bed exclusively for peaceful purposes, and on obtaining general recognition of the common interests of mankind in that area, will share this opinion. I would appeal to the co-Chairmen to review this matter once again in order to see if some reference cannot be incorporated in the treaty text reflecting the idea of international verification as a possible future development.

52. I wish to cover one further point. The new wording of article I, in its second paragraph, extends the prohibitory rules of the treaty to apply also within the sea-bed zone, but exempts the coastal State as well as the sea-bed beneath its territorial waters from that extension. In this way an ambiguity existing in earlier texts has been eliminated, an ambiguity in regard to cases where the territorial sea of the coastal State is less than twelve nautical miles.

53. An unclear situation remains, however, on one point. This refers to verification. We consider that a corresponding provision as to verification of the extended prohibition within the sea-bed zone is needed in order to avoid any conflict regarding

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the responsibility for fulfilment of the treaty obligations within the "gap" between territorial waters and the twelve-mile limit. The exemption of the coastal State from the prohibitions in article I should thus be matched by an exclusive right for the coastal State in relation to verification within that zone, irrespective of whether its territorial sea extends to twelve nautical miles or is less. The whole verification procedure consists of successive measures founded on the right of observation, laid down in the first paragraph. This right of observation applies, according to the paragraph, to activities beyond the sea-bed zone. Certainly observation is, however, also admitted under international law within the zone; but the verification procedure as to further measures within the zone is not regulated in the treaty. Such a deliberate "gap" in the provisions is, in our view, not desirable and could lead to unnecessary conflicts in a critical situation.

54. Clarification would be obtained if an additional paragraph were inserted in article III, preferably immediately after the present first paragraph, saying that the right arising under the first paragraph shall, with regard to activities of other parties within the sea-bed zone, accrue exclusively to the coastal State. Such a provision could, in our opinion, not be judged as an infringement of the principle of the freedoms of the high seas expressly referred to in the first paragraph of the same article. It could, on the other hand, have an impact on the security considerations of some coastal States.

55. None of the three main points I have dealt with in this intervention is new. They do not touch the basic concepts of the treaty and cannot in any way impair them. Their inclusion in a new and final draft would, on the contrary, I am sure, increase the possibilities of a speedy acceptance of the treaty by a vast majority of United Nations Members. I therefore express my sincere hope that other delegations, and particularly those of the Soviet Union and the United States, will study them closely in order to see if some suitable language may be found to enable them to be included. The Swedish delegation stands ready to participate actively in any such efforts.

56. Mr. HUSAIN (India): In company with those who have already done so, I should like to take this opportunity of welcoming amongst us our new colleagues, Ambassador Tanaka of Japan and Ambassador Petrov of Bulgaria.

(Mr. Husain, India)

57. I propose to speak today on the question of a treaty to prevent the arms race on the sea-bed. It will be recalled that the United Nations General Assembly, at its last session, carefully considered this question. In its resolution 2602 F (XXIV) of 16 December 1969 the General Assembly welcomed the submission of the revised United States-Soviet Union joint draft treaty of 30 October 1969 (CCD/269/Rev.1) along with "the various proposals and suggestions made in regard to the draft treaty" and called upon this Committee —

> "... to take into account all the proposals and suggestions that have been made at the present session of the General Assembly and to continue its work on this subject so that the text of a draft treaty can be submitted to the General Assembly for its consideration." (CCD/275)

58. The delegations of the Soviet Union and the United States, the two authors of the draft sea-bed treaty, submitted a revised version of their treaty text (CCD/269/Rev.2) on 23 April 1970, a week before the Conference adjourned for its mid-year recess, to enable this Committee in the resumed session to devote its serious attention to the new document, so that a text of a satisfactory and effective treaty which would enjoy the largest measure of support could be submitted to the General Assembly for consideration at its forthcoming twenty-fifth session.

59. In my statement at the last session of the United Nations General Assembly in New York (A/C.1/1706, provisional, pp. 22 et seq.) I made several suggestions on behalf of my delegation for the improvement of the revised joint draft treaty. In the first place, I proposed that the first preambular paragraph of the draft treaty be amplified on the lines of United Nations General Assembly resolution 2467 A (XXIII), in order to make clear that the exploration and exploitation of the sea-bed must be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of developing countries. Then, to ensure that the use of the sea-bed should be strictly for peaceful purposes, I suggested that the commitment

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contained in the third preambular paragraph, regarding negotiations for a more comprehensive prohibition, be incorporated in the operative part of the treaty. Thirdly, I suggested that the sea-bed zone available to each coastal State, to which the prohibitions of the treaty would not apply and in which every coastal State would have full freedom of action, should be clearly defined by an unambiguous reference to a twelve-mile limit. Further, I proposed that the disclaimer clause contained in paragraph 2 of article II should be included independently as a separate article.

60. Finally, and the most important of all, I stated that the principle of some kind of international verification on the sea-bed was essentially sound and should be reflected in the treaty. In this connexion the Indian delegation agreed with the basic requirements suggested by the delegation of Canada for an acceptable article on verification, and generally supported the Canadian proposals contained in document A/C.1/992 for a draft article III. In the view of the Indian delegation, certain other elements of a verification system, proposed in the Brazilian working paper (A/C.1/993/Rev.1) also deserved careful and serious consideration.

61. It is a matter of satisfaction to the Indian delegation that two of its suggestions, which had the support of a very large number of delegations, have been accepted by the co-authors of the joint draft treaty in their new revised treaty text. Those suggestions relate to a straight-forward and clear-cut mention of the outer limit of the sea-bed zone envisaged in the treaty as being twelve miles, and the inclusion of the disclaimer clause in a separate and independent article in the treaty, so that it should become unequivocally clear that a treaty whose sole aim was to prevent the arms race on the sea-bed would not in any way prejudice or prejudge other questions relating to the law of the sea or their consideration later in an appropriate forum elsewhere.

62. The co-authors of the draft treaty have also accepted the suggestion made, among many others, by the delegation of India for the incorporation of the Canadian draft article III on verification, but have unfortunately omitted from

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that formulation the important references to recourse by parties to the treaty to "the good offices of the Secretary-General of the United Nations". The present draft text makes no provision for recourse to appropriate international procedures or good offices, including those of the Secretary-General of the United Nations.

63. Speaking at our plenary meeting on 28 April, the representative of Canada stated:

> "Members of the Committee will recall that reference to those international procedures and good offices was made twice in our working paper A/C.1/992. The first reference, in paragraph 3, dealt with assistance in identifying the State responsible for activities giving rise to concern relating to compliance with the treaty. The second reference, found in paragraph 5, was concerned with access to assistance in carrying out verification procedures.
>
> "We would of course have preferred to see some reference in the draft treaty to appropriate international procedures to facilitate verification." (CCD/PV.468, paras. 8, 9)

With those views the representative of Italy agreed (ibid., para. 25). The representative of Canada has reiterated the Canadian position in his statement this morning.

64. The Canadian proposal regarding the possibility of recourse to the good offices of the United Nations Secretary-General has been echoed by an overwhelming majority of coastal States which, being developing States, do not possess the technology and the resources to carry out verification by their own means with a view to ensuring that no activity would be carried out or any installation placed on the sea-bed near their coast which might endanger their security. In order that a sea-bed treaty may be widely acceptable; it is essential that this genuine and serious concern of the vast majority of coastal States in regard to their security should be satisfied. In our opinion, so far as continental shelves are concerned, other countries should not use them for military purposes.

65. There is another aspect of the issue of verification, namely that due regard should be had in the implementation of verification procedures to the sovereign rights of coastal States on their continental shelves. That very important aspect of verification also governs the thinking of a majority of coastal States, and has inspired the working paper on the provisions of article III of a sea-bed treaty proposed by the delegation of Brazil. Any verification system that might be established under the proposed sea-bed treaty should have due regard to the sovereign rights of a

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coastal State on its continental shelf. The suggestions made by the delegation of Brazil for notification to and association of a coastal State in regard to verification procedures on its continental shelf merit serious consideration.

66. The delegation of India remains firmly of the view that certain basic considerations must be appropriately reflected in the proposed treaty on the sea-bed. The discussions which have taken place so far in our Committee, as well as in the United Nations General Assembly, have clearly revealed that most countries of the world would support the concept of the present draft treaty on the basis of the exploitation of the sea-bed for strictly peaceful purposes and for the benefit of mankind as a whole, taking into account the special interests and needs of the developing countries and the ultimate objective of the total and comprehensive demilitarization of the sea-bed being achieved by progressively increasing the scope of the prohibition of military activities on the sea-bed.

67. We agree with the suggestion made on 18 June by the Polish delegation that the question of the further demilitarization of the sea-bed should be kept on our agenda for continued negotiations (CCD/PV.471, para. 9); and we also agree with the representative of Sweden who has just spoken that the retention of this item on our agenda or its consideration at the periodic review conferences should not be regarded as a substitute for a commitment in the treaty text regarding further negotiations.

68. In conclusion, my delegation congratulates the Soviet and United States delegations on the constructive step which they have taken in the presentation of the second revised version of their draft sea-bed treaty, and expresses the hope that in the light of the views expressed, especially with regard to verification, and the concern voiced about continental shelves by my delegation and others, a final version of the draft text which would be widely acceptable will be prepared for consideration at the next session of the United Nations General Assembly.

69. Mr. SARAIVA GUERREIRO (Brazil): The Brazilian delegation would like to welcome Ambassador Tanaka of Japan and Ambassador Petrov of Bulgaria, who have taken over the leadership of their delegations in our Committee. I ask leave to add a special word of welcome to Ambassador Castañeda of Mexico, who has joined us for our summer session and whose competence and integrity I learned to appreciate many years ago.

70. All the countries represented here are quite aware of the importance of making progress in the field of disarmament, which lies at the very core of peaceful international relations. We are all quite aware, too, of the difficulties and

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complexities of the task entrusted to us. Without losing sight of our main goal, which is general and complete disarmament under effective international control, or of the overriding importance of stopping and reversing the nuclear arms race, we have been trying to advance in partial and collateral measures, even when those measures represent a step of no major significance to our final endeavours. In any case they contribute to the improvement of the general political climate and stimulate hopes and efforts towards more ambitious and far-reaching goals.

71. Within that context the Brazilian Government has tried to contribute, to the best of its ability, to firm and well-balanced progress in our negotiations. It is in that spirit that from the very beginning of our discussion of the question of the demilitarization of the sea-bed we have given our most careful and detailed consideration to the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. This collateral measure is one of those fraught with many difficulties and complexities because, on the one hand, it runs the risk of affecting controversial questions of the law of the seas which are now in the process of debate and reconsideration, and on the other hand it raises, as all measures of disarmament usually do, the question of the proper role of international organizations in its adequate implementation.

72. Since we started our negotiations we have expressed our considered concern regarding a vital requisite for the completion of an effective treaty, namely that in order fully to attain its purposes the text of the treaty should avoid touching upon and prejudging unresolved questions of the law of the seas. We have always thought and still think that that can be done, and only in that way can the treaty fully achieve its purpose.

73. As long ago as 22 April 1969 my predecessor, Ambassador Frazão, stated:

> "Thus we believe that the question of the limits of applicability of this prohibition should be disentangled from the more complex question of ascertaining the limits of national sovereignty or jurisdiction." (ENDC/PV.405, para. 27)

74. That concern of the Brazilian Government was apparently shared by both our co-Chairmen when the last revised text (CCD/269/Rev.2) was introduced on 23 April last. Mr. Roshchin stated then:

> "In its previous statements, the Soviet delegation has repeatedly emphasized that the provisions of the sea-bed treaty, as is clear

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from the text, are solely designed to accomplish the purpose this treaty is intended to serve, namely, to prevent the extension to the sea-bed of the race with nuclear and other weapons of mass destruction. This treaty is not intended to settle numerous issues of maritime law, to confirm or annul obligations assumed by States under other international agreements, or to anticipate any future solutions in this field." (CCD/PV.467, para. 21)

On the same lines, Mr. Leonard said: "One of our principal concerns in this treaty, of course, has been precisely to avoid affecting issues beyond the scope of arms control." (ibid., para. 40)

75. However, one cannot overlook the fact that the intention of both our co-Chairmen is not fully reflected in the second revised text which was presented to the Conference of the Committee on Disarmament on that same day. Indeed, it would seem clear that the new text favours some concepts of maritime law over others, notwithstanding the so-called disclaimer clause contained in article IV. We do not want to imply that no progress has been made in the revised draft by comparison with document CCD/269/Rev.1 presented on 30 October 1969. Indeed, in our statement on 28 April last (CCD/PV.468, para. 16) we acknowledged and praised the efforts made by the co-Chairmen as well as the improvements achieved in the text we now have before us. They still fall short, however, of meeting the basic consideration we have just stated.

76. Thus in article III, paragraph 1, the right to verify through "observation" is established in a manner that some countries might conceivably prefer to interpret as including not only the observation which is carried out in the course of normal navigation but also such observation as implies research and exploration of areas where the coastal State has some jurisdiction -- let us not discuss here the extent or nature of such jurisdiction -- as, for instance, on the continental shelf. In such areas, even if we put aside considerations of a legal nature, the least that can be said is that the coastal State has legitimate economic and security interests. That fact, indeed, is acknowledged, though in unsatisfactory language, in the second paragraph of article III, but then in relation only to inspection in loco. It is our conviction that, whenever observation implies research and exploration in such areas of interest to the coastal State, the right of the coastal State to be advised of and to participate in such activities should not be ignored.

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77. We should also bear in mind that the system of control that is now proposed to us relies mainly on the assumption of bona fides, especially from those who would exercise their rights based on paragraph 1 of article III. However, if we take into account the disparity of the technical means for purposes of verification at the disposal of the States parties, it is only fair that some other guarantee should be given to the coastal State besides the good intentions of the States exercising their unqualified rights of verification through observation. On this point the proposed system of control is even less understandable when we know that any violation of the treaty could be easily detected by normal means short of detailed research and exploration and not requiring any special activities of control. Therefore, when the need arises for detailed research and exploration of a specific area of interest to the coastal State, we fail to see why and how the participation of that State in such activities could have any detrimental implications for the effective implementation of the treaty.

78. The text before us makes no distinction in the matter of observation between areas of interest to the coastal State and areas where it has no particular and direct concern. On the contrary, it singles out in paragraph 1 of article III the freedoms of the high seas as applying without qualification to the whole geographical area of application of the treaty. In that sense the text takes a definite stand on a controversial issue which has no direct relation to the purposes of the treaty, and to a certain extent it does so in contradiction to article IV. If the intention of the co-sponsors is to avoid any innovation in the law of the seas, it seems that there is no need for including in paragraph 1 of article III a reference to freedom of the high seas, or perhaps no need for paragraph 1 of article III at all. Since this treaty is not meant to add to or detract from general international law, one may consider dealing with references to general principles either in the preamble or in a general clause of the same nature as article IV and perhaps even coupled with it.

79. Allow me to turn now to paragraph 2 of article III, in which the interests of the coastal State in control operations are to some extent taken care of, although in a manner which does not clearly define the specific rights which we deem to be essential.

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80. The expression "Parties in the region" seems to us to be too vague and liable to ambiguous interpretation in concrete cases. However, if that expression could serve the purpose of making the treaty more widely acceptable, one might live with it, since no one could deny that in that expression the coastal State is necessarily included in every instance. As the Brazilian delegation understands it, what is granted to the country in the region in paragraph 2 is, besides notification, not merely the possibility of participating but the right to participate in the act of control. The Brazilian delegation would appreciate confirmation of this understanding from the co-sponsors of the draft treaty, since the words "may participate", which appear in paragraph 2 of article III, might appear to justify in a concrete case the refusal of a request by the coastal State or any other country in the region. The ambiguity of the expression could theoretically bring about a situation in which a request by some countries is granted and that of others in the same region is denied, or in which a coastal State is not allowed to participate in the inspection while other countries, whose interest may be more remote, are admitted to participation in the act of control.

81. Although I am confident that the co-sponsors will clarify the point I have just raised, it seems evident that the questions would be dealt with more adequately if the present vague provision were replaced by a clear-cut recognition that countries in the region "shall be notified of and entitled to participate in such consultation".

82. It could also be argued that countries in the region should not be put on the same level as other parties to the treaty as far as participation is concerned; because the significance of the act of control and the degree of interest are certainly not the same for the coastal State, the countries in the region and all other parties to the treaty.

83. However, even if the final part of paragraph 2 of article III were improved along the lines we have just suggested, we still think that this new and improved provision not only should apply to the acts of inspection but should also cover the acts of control under paragraph 1 whenever verification goes beyond observation in the course of normal navigation and includes research and exploration of areas of interest to the coastal State or to countries in the region.

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84. At another point in article III, that is in paragraph 6, also we find a provision that seems to contradict the intention not to inject into this treaty the difficulties and controversies that beset the law of the seas. Indeed, the text as now drafted includes some qualification of the rights over the continental shelf, thus needlessly taking a stand on a controversy that goes beyond the scope of this treaty, in opposition to the practice and legislation of many countries. If we could envisage a provision without restrictive qualifications such as "the natural resources of", we might find neutral wording which, while acknowledging the rights of the coastal State, would not prejudge the nature and extent of those rights.

85. Finally, we think that the text could be improved if some omissions were remedied. One of these refers to the proper role of international organizations in the implementation of disarmament measures. In the case of this treaty we have always thought that, for instance, we could take advantage of the services of the Secretary-General of the United Nations for certain tasks that are quite compatible with his normal functions. In fact, in document A/C.1/993/Rev.1, submitted to the General Assembly of the United Nations, we suggested that when a State party seeks the assistance of another State party to carry out an act of verification -- a matter regulated in paragraph 5 of article III -- it should be entitled to do so either directly or indirectly, among other things through the good offices of the Secretary-General.

86. The observations and suggestions which I have just submitted to the Conference of the Committee on Disarmament on behalf of my Government are dictated by our firm purpose to co-operate towards the conclusion of a treaty on the non-armament of the sea-bed and the ocean floor and the subsoil thereof. It is our unshakable belief that all efforts should be deployed in order to meet all interests and points of view which would not conflict with or detract from the purpose and effectiveness of the treaty. If we proceed in that way we can be certain that we are taking the only path that will ensure the widest possible support for this treaty.

87. Mr. BOZINOVIC (Yugoslavia): Before I begin my statement I should like to associate my delegation with the words of welcome addressed to the newly-appointed representatives of Bulgaria, Ambassador Petrov, and of Japan, Ambassador Tanaka,

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and to wish them every success in their work in this Committee. I should like also to welcome back the representatives of Mongolia, Ambassador Erdembileg; Mexico, Ambassador Castañeda; Morocco, Ambassador El Fassi; and Argentina, Ambassador Ortiz de Rozas.

88. I should like to deal today with the question of the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. My delegation wishes, in fact, to offer some comments on the revised draft treaty submitted to this Committee by the Soviet Union and the United States on 23 April (CCD/269/Rev.2). I will proceed from the alterations contained in the second revision as compared with the first revision, and will then pass on to the observations and suggestions which have not been accepted by the co-sponsors of the draft treaty and which are consequently not reflected in the new proposal.

89. Changes in articles I and II are concerned with the definition of the limit of the zone to which the proposed treaty would apply. There has been a widely-supported request that the definition should be expressed in a direct manner and not indirectly by reference to another treaty. The new formulation of those two articles represents an improvement on that score.

90. Article III has certainly undergone significant changes. This article, as understood by the Yugoslav delegation, which has itself worked on it in co-operation with the Canadian and a number of other delegations, is of particular importance to non-nuclear-weapon coastal States, as well as from the viewpoint of the greater internationalization of the application of this treaty. Unfortunately, the co-sponsors of the draft treaty have not found it possible to accept the Canadian text as it was -- it had already been somewhat diluted in its last version -- but have omitted from it some essential elements.

91. In relation to article III, my delegation would be grateful if the co-authors would make it clear whether the word "verification" in paragraph 2 of article III means verification on the spot -- that is, whether it provides for access to the object of verification; and, if so, whether the sentence in the same paragraph reading --

> "Parties in the region of the activities, and any other Party so requesting, shall be notified of, and may participate in, such consultation and co-operation"

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signifies that those countries may also participate in verification. We have raised this question since on a previous occasion we expressed the view that it was necessary to have "the right of consent and participation of States in verification on their continental shelf more clearly expressed" (A/C.1/PV.1707, p. 77). That is a quotation from my statement in the First Committee of the United Nations General Assembly at its twenty-fourth session.

92. The new article IV, which essentially replaces the former paragraph 2 of article II, seems to us to express more fully the view that this treaty must not regulate problems or prejudice solutions or the positions of countries on any issue other than that to which this treaty is relevant.

93. I would like now to touch upon those suggestions and requests which were made in the Conference of the Committee on Disarmament and in the United Nations General Assembly during its last session but which have not been accepted by the co-authors of the draft treaty.

94. First, the request submitted by the Swedish delegation (A/C.1/994) — which is in fact the request of many countries, including Yugoslavia — has not been accepted. I should like to reiterate here that the position of the Yugoslav delegation has been and still is that we should exert efforts to achieve a comprehensive and possibly complete demilitarization of the sea-bed and ocean floor and the subsoil thereof. If we are dealing today with but one part of this problem, that is only because some great Powers have not accepted the comprehensive approach. A fact which must also be recalled is that the full demilitarization of the sea-bed and ocean floor is certainly much easier today when their militarization in the real sense of the word has not yet taken place. For that reason we wish once again to emphasize that the contents of the Swedish amendment to which I have referred are appropriate, and that it is necessary for us to assume a firm obligation that we will endeavour to solve the question of demilitarization of the sea-bed and the ocean floor in a comprehensive way.

95. In connexion with verification and possible inspection the Yugoslav delegation suggested on 4 September 1969 (CCD/PV.434, para. 98), and again at the twenty-fourth session of the General Assembly of the United Nations — and I quote from the latter statement:

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"... parties to the treaty should undertake to inform the Secretary-General of the United Nations -- with a view to notifying all signatories of the treaty -- of any noticed event or activity which might be contrary to the strict observance of the treaty, as well as of the results of verification if and when undertaken."
(A/C.1/PV.1707, p. 77)

That request is aimed at the further internationalization of the application of this multilateral treaty. But it solves at the same time another problem arising from the present article III, which states in paragraph 2:

"Parties in the region of the activities, and any other Party so requesting, shall be notified of, and may participate in, such consultation and co-operation."

96. The problem here is, how will the parties in the region know of such activities, and how will the parties to the treaty know that such activities are going on, and thus be able to express their desire to take part in consultation and co-operation? If the suggestion I have just mentioned is accepted, that might solve that difficulty, because every party to the treaty would be kept informed of such events and this would make the stipulation in the treaty applicable. Furthermore, the widely-supported request that applications for assistance in case of need to proceed to verification might be addressed also through the international community -- the Secretary-General of the United Nations or otherwise -- has not been accepted. We consider this to be a matter of principle, that it does concern the internationalization of the implementation of this treaty, and that the authors of the treaty should reconsider this question.

97. As regards international control and a possible international organ to carry out that function in connexion with this treaty, the view has been expressed that this is not necessary for the time being and that it would not be rational to set up an international organ in present conditions. In accepting that view, the Yugoslav delegation expressed the conviction that it was necessary to incorporate in the present treaty at least the idea of setting up such an international organ in the future. We still believe that that should be done.

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98. Finally, proceeding from the aims of the treaty, it is our understanding that nothing in its provisions could be so interpreted as to prejudice the contents of a future international regime of the peaceful uses of the sea-bed and ocean floor and the subsoil thereof. But, if our understanding is not correct, it would be necessary to consider incorporating into the text a paragraph, or part of a paragraph, along the line suggested by the delegation of Mexico (A/C.1/995).

99. In concluding this brief statement I should like to express our appreciation to the co-sponsors of the draft treaty for submitting the revised draft, in which they have incorporated several suggestions for its improvement made by many countries in the United Nations General Assembly at its last session and also in the Conference of the Committee on Disarmament. If we now repeat some of our suggestions and positions, we do so in the conviction that they do not present in any way any exaggerated demands but present suggestions for certain corrections and amendments which we feel would contribute to making this draft treaty acceptable to the largest number of countries without changing its basic character and scope.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 473rd plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Kazimierz Zybylski, representative of Poland.

"Statements were made by the representatives of Canada, Sweden, India, Brazil and Yugoslavia.

"The next meeting of the Conference will be held on Tuesday, 30 June 1970, at 10.30 a.m."

The meeting rose at 12.15 p.m.